

**REMARKS**

Status of Claims

Claims 1-35 are pending in the application. Claims 32-34 are rejected. Claims 1-31 and 35 are allowed. Independent claim 32 has been amended. A current listing of all pending claims may be found on the attached Appendix A commencing on page 4.

Rejection Under 35 U.S.C. §102

The Examiner has again rejected claims 32-34 under 35 U.S.C. §102(b) as being anticipated by Swanson et al. ("Swanson"), U.S. Patent 6,183,468. In order to reject a claim under 35 U.S.C. §102 as being anticipated by the prior art, each element of the claim under construction must be disclosed in a single prior art reference.

In rejecting independent claim 32, the Examiner stated that Swanson discloses a system comprising "a processor (102) with a memory configured to store a plurality of code modules (algorithms) for delivering energy to raise a temperature of tissue to a first target temperature followed by a dwell time and then to a second temperature for a second dwell time." Claim 32 has been amended to recite "[a] system for delivering energy to a structural support tissue of a pelvic support system, the system comprising . . . a code module for delivering energy to the structural support tissue at a first target power level; a code module for estimating a treatment time of reaching a first target temperature; a code module for comparing the estimated treatment time with desired treatment time(s) for reaching the first target temperature; a code module for adjusting the delivery of the energy to an adjusted power level if the estimated treatment time is not coincident with the desired treatment time(s), wherein the adjusted delivery of energy is sufficient to cause the first target temperature to be reached in substantially the desired treatment time(s); and a code module for dynamically adjusting a power level of the energy after the structural support tissue has substantially reached the first target temperature so as to allow the structural support tissue to dwell at substantially a second target temperature for a desired amount of dwell time." However, Swanson does not disclose such a system. Because Swanson fails to

disclose each element of independent claim 32, as amended, the rejection of claim 32 under 35 U.S.C. §102 should be withdrawn.

Dependent claims 33 and 34 were also rejected under 35 U.S.C. §102(b) as being anticipated by Swanson. Claims 33 and 34 depend from independent claim 32. As such, these claims are allowable with their independent base claim. In addition, it is respectfully submitted that the combinations of features recited in claims 33 and 34 are patentable on their own merits, although this does not need to be specifically addressed herein since any claim depending from a patentable independent claim is also patentable.

### **Conclusion**


Applicant respectfully submits that with the arguments presented herein all pending claims are allowable over the art of record, for at least the reasons discussed above, and respectfully requests that a Notice of Allowance with respect to all pending claims be issued in this case.

If the Examiner believes that a teleconference would be of further value in expediting the allowance of the pending claims, the undersigned can be reached at the telephone number listed below. The present response is being filed within the three-month statutory period for response, and no fee or petition for an extension is due. If, however, it is believed that any additional fees are necessary, the Commissioner is hereby authorized to charge or credit any such fees or overpayment to Deposit Account No. 50-1901 (Reference #687-3110/US).

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Respectfully submitted,

**OPPENHEIMER, WOLFF & DONNELLY LLP**  
Attorneys for Applicant

By 

Barbara A. Wrigley  
Reg. No. 34,950  
45 South 7<sup>th</sup> Street, Suite 3300  
Minneapolis, MN 55402  
Telephone No. (612) 607-7595  
Facsimile No. (612) 607-7100  
E-Mail [Bwrigley@Oppenheimer.com](mailto:Bwrigley@Oppenheimer.com)

Customer No. 34205